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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,133	09/08/2003	Gary Naden	241112US20	8667
22850	7590	04/14/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ZANELLI, MICHAEL J	
		ART UNIT		PAPER NUMBER
		3661		

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/656,133	NADEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael J. Zanelli	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 February 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
  - 4a) Of the above claim(s) 29-32 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 11-24, 26-28, 36 and 37 is/are rejected.
- 7) Claim(s) 10, 25 and 33-35 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/8/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. Applicant's election without traverse of claims 1-28 and 34-37 in the reply filed on 2/24/05 is acknowledged. Note claim 33 should also have been included.
2. Claims 29-32 have been withdrawn from further consideration.
3. The IDS filed 9/8/03 has been considered.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-9, 11-24, 26-28, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al. (6,559,769) in view of Beken (6,552,652) and Vaddiparty et al. (US 2004/0147220).

A. As per claims 1, 22 and 37, Anthony discloses a monitoring device configured to monitor the status of a mobile asset from a remote location. As shown in Fig. 7, a

mobile unit (5) receives signals from GPS satellites (32) to determine location using an on-board receiver, a transmitter for transmitting location information via a communication satellite (3) (col. 10, lines 7-10) and a battery operated controller (CPU) (col. 10, lines 31-43) with power management capabilities (col. 12, lines 21-30).

Anthony further discloses that the information may be transmitted via manual activation, a triggered event and/or periodic basis (col. 8, lines 4-7; col. 12, lines 25-30). The claimed invention differs in that a simplex satellite transmitter is used and that a motion determination unit may be used to initiate a change in the behavior of the monitoring device. Beken teaches a monitoring device which uses Low Earth Orbit satellites to transmit location information from a monitored device to a remote location (Abs.). Like Anthony, Beken includes a power management means for periodically powering up the device in response to a triggering event or timed schedule (col. 5, lines 38-50). Triggering events may be the result of movement of the device as detected by a vibration sensor (col. 3, lines 28-35; col. 4, lines 60-67). Beken discloses that the communications between the monitoring device and remote location are carried out via a network of Low Earth Orbit satellites which relay the information. Although Anthony and Beken both appear to use transceivers to transmit the information, it was well-known in the art to utilize simplex satellite communications where one-way communications was acceptable for the given application. One of ordinary skill in the art would have found it obvious to use simplex satellite transmitters whereby the advantage would have been a less complex and less expensive system (see Vaddiparty, [0028]). Since Anthony and Beken disclose embodiments in which two-way

communication (duplex) is not required, one of ordinary skill in the art would have been motivated to use the simplex satellite communications for the recognized advantages noted above.

B. As per claims 2, 3, 18-21 and 27, as above whereby both Anthony and Beken use GPS signals to determine location of the mobile asset. The power management unit controls battery power to the other circuits as detailed above. Further, as noted above Beken detects motion of the monitored device using a vibration sensor whereby the monitoring system is powered up upon sensing the motion (see Beken, col. 4, lines 60-67).

C. As per claim 4, as above whereby Vaddiparty discloses that the simplex satellite communications involves a bent-pipe configuration for repeatedly relaying the transmitted signal from the monitored device to the remote location (see [0010], [0020]).

D. As per claims 5-9, 11-17, 23, 24, 26 and 36, as above wherein both Anthony and Beken discloses various modes of activating the monitoring system including alarm inputs, triggering events, timed schedules and/or motion detection (Anthony: col. 5, lines 15-23; col. 8, lines 4-6; Beken: col. 4, lines 60-67; col. 5, lines 46-50). In addition, Vaddiparty suggests using sensor inputs as triggering events [0027]. One of ordinary skill in the art would have found it obvious to configure the triggering events/conditions/schedules based on the particular monitoring application.

E. As per claim 28, as above whereby both the systems of Anthony and Beken are computer-based and perform functions according to executable programs (Anthony: col. 10, lines 29+; Beken: col. 5, lines 42-50).

6. Claims 10, 25 and 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As per claims 10 and 25, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, pseudo-randomly varying the interval schedule based on a randomization term. As per claims 33-35, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, enabling or disabling an alternative interval schedule for transmitting information based on an alarm input or change of motion state or trigger location.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969. The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz



MICHAEL J. ZANELLI  
PRIMARY EXAMINER